

Order

Michigan Supreme Court
Lansing, Michigan

December 5, 2007

Clifford W. Taylor,
Chief Justice

132859

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ENGLISH GARDENS CONDOMINIUM, LLC,
Plaintiff-Appellee,

v

SC: 132859
COA: 269213
Livingston CC: 04-021040-AW

HOWELL TOWNSHIP, MERRY BERING,
and LAWRENCE HAMMOND,
Defendants-Appellants.

On November 8, 2007, the Court heard oral argument on the application for leave to appeal the November 28, 2006 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(G)(1). In lieu of granting leave to appeal, we AFFIRM in part and REVERSE in part the judgment of the Court of Appeals. We reverse the holding that the township acted beyond the scope of § 20.15 of its ordinance in drawing on the letter of credit without first incurring compensable expenses. The ordinance did not prohibit the township from retaining some form of security to ensure compliance with the contract. The township did not violate its ordinance when it drew on the letter of credit. We affirm the Court of Appeals in all other respects. Accordingly, we REINSTATE the judgment of the Livingston Circuit Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 5, 2007

Corbin R. Davis

Clerk